

ORIGINAL

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FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

AUG 28 2008
at 10 o'clock and 45 min AM
SUE BEITIA, CLERK

Attorneys for Plaintiff
RONALD L. OBREY, JR.

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

| | |
|------------------------------|-----------------------------------|
| RONALD L. OBREY, JR., |) CIVIL NO. 02-00033 LEK |
| |) |
| Plaintiff, |) PLAINTIFF'S AMENDED FINAL |
| |) PRETRIAL STATEMENT; CERTIFICATE |
| v. |) OF SERVICE |
| |) |
| GORDON R. ENGLAND, in his |) |
| capacity as the Secretary of |) DATE: September 2, 2008 |
| the Navy, |) TIME: 9:00 a.m. |
| |) JUDGE: Leslie E. Kobayashi |
| Defendant. |) |
| |) Trial Date: October 7, 2008 |

PLAINTIFF'S AMENDED FINAL PRETRIAL STATEMENT

Plaintiff Ronald L. Obrey, Jr., by and through his counsel, hereby submits his Amended Final Pretrial Statement pursuant to Local Rule 16.6. Plaintiff seeks to identify additional nonexpert witnesses to the Final Pretrial Statement.

I. Witnesses Likely to be Called**Non-expert Witnesses**

1. Cynthia Shigemasa, c/o Department of The Navy, Commander, Navy Regional Hawaii, 850 Ticonderoga St., Ste. 110,

Pearl Harbor, HI 96860-5102. Ms. Shigemasa was an Investigator with the Office of Complaints Investigation who investigated the EEO Complaint of Frank N.K. Pestana, regarding his nonselection to the position of Surface Restricted Availability (SRA) Program Manager GS-14/15, and not being provided with an opportunity to apply for SRA Deputy Project Superintendent positions. Ms. Shigemasa is expected to testify regarding her investigation of the complaint.

2. Dave B. Alison, c/o Department of the Navy, Human Resources Service Center, Pacific Region. Mr. Alison was a Personnel Staffing and Classification Specialist, GS-201-11 on September 7, 2001 where he provided testimony and a declaration in the investigation of Mr. Pestana's EEO Complaint. Mr. Alison is expected to testify as to the circumstances surrounding the reason why he rated Mr. Pestana ineligible at the GS-15 grade level, and rated Roy C. Armstrong, a Caucasian male, eligible for the GS-15 level, which upon further verification of Mr. Armstrong's official personnel file, there was no evidence that Mr. Armstrong held the GS-14 level for one year at the time of his selection.¹

¹Plaintiff notes that on June 6, 2005, he filed with the Court a Submission of Report of Investigation as to Frank N.K. Pestana's EEO Complaint; Declaration and Affidavit of Dave B. Allison.

Plaintiff reserves the right to name additional witness identified by Defendant.

DATED: Honolulu, Hawaii, August 28, 2008.



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| RONALD L. OBREY, JR., |) CIVIL NO. 02-00033 LEK |
| |) |
| Plaintiff, |) CERTIFICATE OF SERVICE |
| |) |
| v. |) |
| |) |
| GORDON R. ENGLAND, in his capacity as the Secretary of the Navy, |) |
| |) |
| Defendant. |) |
| |) |

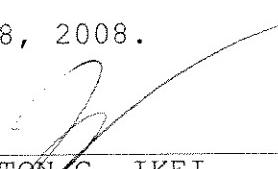
CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was duly served upon the following individuals via hand delivery on August 28, 2008:

TO: EDWARD H. KUBO, JR.
United States Attorney, District of Hawaii
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THOMAS A. HELPER
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Attorneys for Defendant
GORDON R. ENGLAND,
in his capacity as the
Secretary of the Navy

DATED: Honolulu, Hawaii, August 28, 2008.


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RONALD L. OBREY, JR.